

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested for the following reasons:

Rejection of Claims 1-14 Under 35 U.S.C. §112, second paragraph

In response to this rejection, Applicants have amended claim 1. Reconsideration of claims 1-14 is respectfully requested.

Rejection of Claims 1-10, 13-16 and 18 Under 35 U.S.C. §102(b)

Claims 1-10, 13-16 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Shishiguchi et al (US 6,190,976 B1).

Applicants respectfully traverse this rejection. This rejection is traversed because Shishiguchi et al actually fails to teach each and every element of the claimed invention. As shown in FIGs. 2A-2F of Shishiguchi et al, the single-crystal epitaxial silicon layer 8a and 8b is formed on the source/drain regions 6a and 6b, and the epitaxial poly-Si layer 8c is formed on the gate electrode 4 together with conductive grains 18 formed on the dielectric sidewalls 5a and 5b. Then the single-crystal epitaxial silicon layer 8a and 8b, the epitaxial poly-Si layer 8c and the unwanted conductive grains 18 are thermally oxidized to form SiO₂ layers 9a, 9b, 9c in the surface regions of the single-crystal epitaxial silicon layer 8a and 8b and the epitaxial poly-Si layer 8c, respectively. The conductive grains 18 are also oxidized to form SiO₂ grains 19 on the uncovered surface of the dielectric sidewalls 5a and 5b. Then the SiO₂ layers 9a, 9b, 9c and the SiO₂ grains 19 are etched. It is quite clear that Shishiguchi et al does not disclose a treating step having a removal rate of the residues of the epitaxial layer on the insulation surface **higher** than a removal rate of the epitaxial layer on the semiconductor surface, as presently claimed. Shishiguchi et al neither mentions about the removal of the single-crystal epitaxial silicon layer 8a and 8b, and the epitaxial poly-Si layer 8c nor teaches the differences of removal rates of the epitaxial layer and the residues of the epitaxial layer on the semiconductor surface and the insulation surface, respectively. Thus, it is quite clear that Shishiguchi et al does not teach each and every element of the claimed invention. According to

MPEP §2131, To Anticipate A Claim, The Reference Must Teach Every Element Of The Claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". It is quite clear that the teachings of Shishiguchi et al actually fail to teach every element of the claimed invention and one with ordinary skill in the art would not consider the claimed invention anticipated by Shishiguchi et al. Furthermore, . must be considered in its entirety according to MPEP § 2141.02. The pre-etching oxidation of the single-crystal epitaxial silicon layer 8a and 8b, the epitaxial poly-Si layer 8c and the unwanted conductive grains 18 are crucial features of Shishiguchi et al and cannot be omitted. Therefore, one with ordinary skill in the art would not consider the claimed invention anticipated by the teachings of Shishiguchi et al.

Rejection of Claims 11-12 and 17 Under 35 U.S.C. §103(a)

Claims 11-12 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over . in view of Zhang (US 6,440,762 B1).

Applicants respectfully traverse this rejection since Zhang does not teach the claim element which Shishiguchi et al fails to disclose. The Examiner's combination of Shishiguchi et al and Zhang, if proper, is still insufficient to render the claimed invention unpatentable.

Conclusion

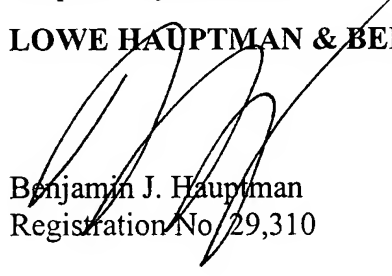
In light of the above remarks and amendments to the claims, Applicant contends that claims 1-17 are patentable over the applied art. The claims are believed in condition for favorable consideration and Applicant respectfully requests that a Notice of Allowance be issued in this case.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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